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10/730,246	12/08/2003	Russell L. Holden	LOT920030051US1	2507

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EXAMINER	
JEAN, FRANTZ B	

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/730,246	HOLDEN ET AL.	
	Examiner	Art Unit	
	Frantz B. Jean	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is a first office action in response to application for patent filed on 12/08/03. Claims 1-52 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1- 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. hereinafter ("Mousseau") US publication Number 2003/0187938A1 in view of DeLuca et al. ("DeLuca") US patent Number 5,225,826 and Applicants' Background of the Invention "ABI".

As per claim 1, Mousseau teaches a method for replicating message status changes across messaging systems (par 0009; automatically reflect changes on corresponding data item stored at the host system par 0011), comprising: changing a status of a message for a user on a first messaging system (par 0022); entering the status change into a log associated with the user on the first messaging system (status change changes are communicated with host 10; par 0117-0118; par 0011); communicating the status change to a second messaging system, wherein the second messaging system is a replica of the first messaging system (see par 0118; receiving messages within a set of folders at mobile device 24, which will remember message state changes...). Mousseau does not teach determining, on the second messaging system, if the status change is more recent than any other status changes of the message within a log associated with the user on the second messaging system. However, DeLuca is directed to variable status receiver. DeLuca system comprises status change of a message to correspond to the new status (i.e. most recent status change) col. 8 lines 49-54; fig 9 and 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeLuca's most recent status change of a message to Mousseau's system to simplify the task of message management. One skill artisan at the time of the invention would be motivated to do so to increase message throughput in Mousseau's system (see DeLuca col. 2 lines 1-12). Furthermore, Mousseau in combination with DeLuca fails to teach that the determination takes place on the second messaging system. It must be noted that determining an event or action on a particular (first or second) messaging system is well known in the art as evidenced by "ABI" (page

2 paragraph 0003) to achieve a well-defined result. One skill artisan at the time of the invention would determine if the status change is more recent on the second messaging system to ensure consistency for message status changes replicated across the messaging systems.

As per claim 2, Mousseau, DeLuca and ABI (hereinafter the combination) teach the method of claim 1, further comprising entering the status change into the log associated with the user on the second messaging system (a particular system) if the status change is more recent than the any other status changes for the message (ABI par 0003).

As per claim 3, the combination teaches the method of claim 1, further comprising discarding the status change from the second messaging system if the status change is not more recent than the any other status changes for the message (see DeLuca fig 10 conditional status; see also Mousseau par 0115, purging earliest messages).

As per claim 4, the combination teaches the method of claim 1, wherein the communicating step comprises communicating at least a portion (parts of data items) of the log associated with the user on the first messaging system to the second messaging system (see Mousseau, communication between host system 10 and mobile device 24 see par 0011).

As per claim 5, the combination teaches a method of claim 4, wherein the portion comprises status changes entered into the log associated with the user on the first messaging system since a previous replication (Mousseau, par 0011 and 0022).

As per claim 6, the combination teaches the method of claim 1, further comprising maintaining an unread table on the first messaging system, wherein the unread table identifies messages for the user that are unread (DeLuca col. 1 lines 40-43; col. 4 lines 50-56).

As per claim 7, the combination teaches the method of claim 6, wherein the unread table is updated as the messages are read (see DeLuca col. 4 lines 52-53).

As per claim 8, the combination teaches a method of claim 1, wherein the message is an electronic message (Mousseau par 0069, 0090, 0124).

As per claim 9, the combination teaches the method of claim 1, wherein the entering step comprises entering the status change in the log associated with the user on the first messaging system with a corresponding clock time (DeLuca fig 1 element 38) of the first messaging system, and wherein the communicating step comprises communicating the status change and the clock time of the first messaging system to the second messaging system (Mousseau discusses programmable timer in par 0068).

As per claim 10, the combination teaches the method of claim 9, further comprising entering the status change in the log associated with the user on the second messaging system with the clock time of the first messaging system and a clock time of the second messaging system, if the status change is more recent that the any other status changes for the message (DeLuca discusses time clock in fig 1 element 38 and Mousseau discusses programmable timer in par 0068).

As per claim 11, Mousseau teaches a method for replicating message status changes across messaging systems (par 0009; automatically reflect changes on corresponding data item stored at the host system par 0011), comprising: providing a first messaging system having a first set of logs corresponding to a set of users (the host system comprises plurality of folders where data or entries are logged due to some events; the folder contents are mirrored between the two systems par 0011, 0117-1118) wherein the first set of logs includes entries reflecting status changes for electronic messages received by the set of users; communicating the first set of logs to a second messaging system having a second set of logs corresponding to the set of users (par 0011 and 0117-0118). Mousseau does not teach determining, on the second messaging system, if the entries within the first set of logs are more recent than existing entries within the second set of logs. However, DeLuca is directed to variable status receiver. DeLuca system comprises status change of a message to correspond to the new status (i.e. most recent entries or status change) col. 8 lines 49-54; fig 9 and 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

DeLuca's most recent entries (status change) of a message to Mousseau's system to simplify the task of message management. One skill artisan at the time of the invention would be motivated to do so to increase message throughput in Mousseau's system (see DeLuca col. 2 lines 1-12). Furthermore, Mousseau in combination with DeLuca fails to teach that the determination takes place on the second messaging system. It must be noted that determining an event or action on a particular (first or second) messaging system is well known in the art as evidenced by "ABI" (page 2 paragraph 0003) to achieve a well-defined result. One skill artisan at the time of the invention would determine if the status change is more recent on the second messaging system to ensure consistency for message status changes replicated across the messaging systems.

As per claim 12, the combination teaches the method of claim 11, further comprising entering, into the second set of logs, all entries within the first set of logs that are more recent than the existing entries (par 0011 and 0070).

As per claim 13, the combination teaches the method of claim 11, further comprising discarding, from the second messaging system, any entries within the first set of logs that are not more recent than the existing entries (see DeLuca fig 10 conditional status; see also Mousseau par 0115, purging earliest messages).

As per claim 14, the combination teaches the method of claim 11, wherein the

communicating step comprises communicating the entries of the first set of logs that reflect status changes that occurred since a previous replication (Mousseau, par 0011 and 0022).

As per claim 15, the combination teaches the method of claim 11, further comprising maintaining unread tables on the first messaging system and the second messaging system, wherein the unread table identifies electronic messages for the set of user that are unread, and wherein the unread table is updated as the electronic messages are read (DeLuca col. 1 lines 40-43; col. 4 lines 50-56).

As per claim 16, Mousseau teaches a system for replicating message status changes across messaging systems (par 0009; automatically reflect changes on corresponding data item stored at the host system par 0011), comprising: a log entry system for entering a status change of a message for a user into a log associated with the user on a first messaging system (status change changes are communicated with host 10; par 0117-0118; par 0011); and a replication system for communicating the status change to a second messaging system, wherein the second messaging system includes a precedence system (see par 0118; receiving messages within a set of folders at mobile device 24, which will remember message state changes...). Mousseau does not teach determining, on the second messaging system, if the status change is more recent than any other status changes of the message within a log associated with the user on the second messaging system. However, DeLuca is directed to variable status receiver.

DeLuca system comprises status change of a message to correspond to the new status (i.e. most recent status change) col. 8 lines 49-54; fig 9 and 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeLuca's most recent status change of a message to Mousseau's system to simplify the task of message management. One skill artisan at the time of the invention would be motivated to do so to increase message throughput in Mousseau's system (see DeLuca col. 2 lines 1-12). Furthermore, Mousseau in combination with DeLuca fails to teach that the determination takes place on the second messaging system. It must be noted that determining an event or action on a particular (first or second) messaging system is well known in the art as evidenced by "ABI" (page 2 paragraph 0003) to achieve a well-defined result. One skill artisan at the time of the invention would determine if the status change is more recent on the second messaging system to ensure consistency for message status changes replicated across the messaging systems.

As per claim 17, the combination teaches the system of claim 16, wherein a log entry system on the second messaging system enters the status change for the message into the log associated with the user on the second messaging system (a particular message system) if the status change is more recent than the any other status changes for the message (ABI par 0003).

As per claim 18, the combination teaches the system of claim 16, wherein the status

change is discarded from the second messaging system if the status change is not more recent than the any other status changes for the message (see DeLuca fig 10 conditional status; see also Mousseau par 0115, purging earliest messages).

As per claim 19, the combination teaches the system of claim 16, further comprising a table maintenance system for maintaining an unread table on the first messaging system that identifies any messages for the user that are unread (DeLuca col. 1 lines 40-43; col. 4 lines 50-56).

As per claim 20, the combination teaches the system of claim 16, further comprising a log purging system for purging the log on the first messaging system of any status changes that are older than a predetermined time limit (see DeLuca fig 10 conditional status; see also Mousseau par 0115, purging earliest messages).

As per claim 21, the combination teaches the system of claim 16, wherein the replication system communicates the status change with a clock time of the first messaging system to the second messaging system (DeLuca discusses time clock in fig 1 element 38 and Mousseau discusses programmable timer in par 0068).

As per claim 22, the combination teaches the system of claim 21, wherein the status change is entered into the log associated with the user on the second messaging system with the clock time of the first messaging system and a clock time of the second

messaging system, if the status change is more recent that the any other status changes for the message (DeLuca discusses time clock in fig 1 element 38 and Mousseau discusses programmable timer in par 0068).

As per claim 23, it contains all the limitations discussed above in rejecting claim 16 above. Therefore, it is rejected under the same rationale. Furthermore, DeLuca discloses maintaining an unread table on the first messaging system that identifies any messages for the user that are unread (DeLuca col. 1 lines 40-43; col. 4 lines 50-56).

As per claims 24-28, they have already been discussed above in rejecting claims 2-10, 12-15 and 17-22 above. They are rejected under the same rationale.

As per claims 29-35, they are a program product stored on a recordable medium, which contain the same limitations as discussed above in rejecting the system claim 16-22. Therefore, they are rejected under the same rationale.

Claims 37, 44 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. hereinafter ("Mousseau") US publication Number 2003/0187938A1. As per claims 37, 44, and 50, Mousseau does not teach the status change is entered into an entry at an end of the log associated with the user on the first messaging system. However, Official notice is taken that entering an entry in the beginning or at the end of a log is well known and recognized in the art to facilitate updating the other

messaging system with the most current information. One kill artisan at the time of the invention would be motivated to do so to facilitate synchronization of the messaging system.

Claims 43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. hereinafter ("Mousseau") US publication Number 2003/0187938A1 in view of DeLuca et al. ("DeLuca") US patent Number 5,225,826. As per claims 43 and 49, Mousseau does not a table maintenance system for maintaining an unread table on the first messaging system that identifies any messages for the user that are unread. DeLuca teaches maintaining an unread table on the first messaging system that identifies any messages for the user that are unread (DeLuca col. 1 lines 40-43; col. 4 lines 50-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeLuca's feature with Mousseau to facilitate message management. One skill artisan at the time of the invention would be motivated to do so to increase message throughput in Mousseau's system (see DeLuca col. 2 lines 1-12).

Claims 45 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. hereinafter ("Mousseau") US publication Number 2003/0187938A1 in view of DeLuca et al. ("DeLuca") US patent Number 5,225,826 and Applicants' Background of the Invention "ABI".

As per claims 45 and 51, Mousseau does not teach determining, on the first messaging system, if the status change is more recent than any other status changes of the message within a log associated with the user on the first messaging system. However, DeLuca is directed to variable status receiver. DeLuca system comprises status change of a message to correspond to the new status (i.e. most recent status change) col. 8 lines 49-54; fig 9 and 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeLuca's most recent status change of a message to Mousseau's system to simplify the task of message management. One skill artisan at the time of the invention would be motivated to do so to increase message throughput in Mousseau's system (see DeLuca col. 2 lines 1-12). Furthermore, Mousseau in combination with DeLuca fails to teach that the determination takes place on the first messaging system. It must be noted that determining an event or action on a particular (first or second) messaging system is well known in the art as evidenced by "ABI" (page 2 paragraph 0003) to achieve a well-defined result. One skill artisan at the time of the invention would determine if the status change is more recent on the first messaging system to ensure consistency for message status changes replicated across the messaging systems.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36, 38-42, 46-48, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Mousseau et al. hereinafter ("Mousseau") US publication Number 2003/0187938A1.

As per claims 36, 41, and 47, Mousseau teaches a method for maintaining log chronology for message status changes replicated across messaging systems, comprising: changing a status of a message for a user on a first messaging system (par 0022); entering the status change into a log associated with the user on the first messaging system, wherein the status change is entered into the log along with a clock time (time delay, transmission delay, calendar event) of the first messaging system (status change changes are communicated with host 10; par 0117-0118; par 0011); communicating the status change and the clock time of the first messaging system to a second messaging system (see par 0118; receiving messages within a set of folders at mobile device 24, which will remember message state changes...); and entering the status change into a log associated with the user on the second messaging system, wherein the status change is entered into the log associated with the user on the second messaging system with the clock time of the first messaging system and a clock time of the second messaging system (Mousseau discusses calendar events, delay time, delay transmission of folder moves until non-peak times, delay communication, calendar entries on the host and the mobile; see paragraph 0113, 0124, 0129 and

0137-0138; accordingly clock time is implicit in either system to perform those events).

As per claims 38, 42, and 48, Mousseau teaches the method of claim 36, further comprising periodically purging the log associated with the user on the first messaging system (par 0115).

As per claim 39, Mousseau teaches the method of claim 36, further comprising determining whether the clock time of the first messaging system is different than a clock time of the second messaging system, after the communicating step (see fig 17, 18B, 19B and 20B).

As per claims 40, 46, and 52, Mousseau teaches the method of claim 36, wherein the message is an electronic mail message (par 0069, 0090, and 0124).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz Jean

FRANTZ B. JEAN
PRIMARY EXAMINER